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EXAMINER

JANVIER, JEAN D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/349,650

Applicant(s)

NYHAN ET AL.

Examiner

Jean D Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **Response to Applicant's Amendment**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn and a **Final Office Action** is hereby submitted in view of the original presentation (claims 1-20).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered, but are moot in view of the new ground(s) of rejection.

Furthermore, the rejection of claims 1-12, based on US Patent 5, 724,521, as discussed during the interviews and in the Advisory Action is still maintained since claims 1-12 never recite a client system sending monitoring data regarding advertisements that were viewed by a user of the client system, as argued by the Applicant, to a server which subsequently transmits the monitoring data, after processing, back to the client system where the monitoring data will be stored permanently (In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., \*\*\*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)).

### **DETAILED ACTION**

### ***Specification***

#### **Status of the claims**

Claims 1-20 were originally presented. After the first office action, claims 1-6, 8-13, 15, 18 and 20 were amended and claim 19 was canceled. Furthermore, claims 21-50 were added. Now, claims 1-18 and 20-50 are pending in the Application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick, U.S Patent 5,724,521.

The original rejection is still maintained, as presented below, since the newly cited limitations were addressed by the previous rejection.

As per claim 1-12, Dedrick teaches a system comprising:

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1.

A code or an account number associated with an advertisement received from an advertiser 18 or an advertiser server so that Metering Servers 14, upon determining where the characteristics of the end-users served by each of metering servers fall on the consumer scale associated with an advertisement from a particular advertiser, can identify which advertiser has submitted an Ad. and forward the information to the Clearinghouse Server 20 for either crediting or debiting the account of the advertiser whose advertisement has matched the an end-user profile (see abstract-col.14, lines 13-24- col.17, lines 17-35-col.12, lines 9-16);

A server or a Metering Server 14 of fig.1 in conjunction with the Statistic Compilation Process 26 of fig.2 capable of identifying when the advertisement is viewed by the user using client PC 12 wherein the code or the advertiser's account appended to the advertisement sends a signal back to the Metering server 14 of fig.1 indicative of how much of the said advertisement was viewed or consumed by the end-user so that appropriate credit or debit can take place (col.9, lines 27-48-col.12, lines 9-16); and

A computer or client PC 12 of fig.1 on which the advertisement or electronic information is viewed by the user wherein the computer has a file stored on the client PC 12 Hard disk or a GUI, containing information such as en-user variables, on which an indicator is generated, the indicator providing information associated with the advertisement such as how many Ad screens were viewed by the user (col.3, lines 29-67 and col.4, lines 1-2-col.9, lines 27-48).

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2. Wherein the information **compiled by Statistic Compilation Process 26 of fig.2** includes **not only** time at which the user viewed the advertisement, **but also how much of the Ad was consumed by the end-user so that the end-user's account can be debited or credited by Clearinghouse Server 20 of fig.1** (Keeping track of the time at which an Ad. was viewed by an end-user is anticipated by Dedrick-col.9, lines 27-48-col.12, lines 9-16-col.14, lines 13-24).

3. The system further comprising:

An advertising server **or Yellow Page Server 22 of fig.1** capable of delivering the advertisement to the computer **or client PC 12 of fig.1** of the user **via the Metering Server 14 of fig.1 (col.12, lines 9-16).**

4. The system further comprising:

A plurality of advertising servers **or Yellow Page Servers 22 of fig.1** capable of delivering an advertisement to the computer **or client PC 12 of fig.1** of the user wherein each of the advertisements includes **a code or advertiser's account or consumer scale** associated with the advertisement and further wherein the servers **are** capable of identifying, **using the Statistic Compilation Process 26 of fig.2 in conjunction with Metering Server 14 of fig.1, not only** when the advertisement is viewed, **but also how much of the Ad was consumed,** by the user **so that the Publisher's/Advertiser's account can be debited or credited by Clearinghouse Server 20 of fig.1 (col.5, lines 1-19-col.12, lines 9-16-col.14, lines 13-24).**

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5.       Wherein the server generates a survey **or query or quiz** that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).

6.       Wherein the survey is dynamically generated, **especially if the user is using the Interactive Process 76 of fig.5 as described in col. 17 and lines 6-15 and the advertiser is giving an incentive to the user or customer for reading advertising messages and before the user's account is credited by the Publisher/Advertiser 18 of fig.1, the user will be automatically quizzed**, based on advertisements to which the user has been exposed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).

7.       Wherein the survey obtains demographic information of the user **if the user is willing to provide such information or if the advertiser is willing to offer some kind of incentive to the user for providing demographic or psychographic data to the advertiser (anticipated by Dedrick) or Publisher/Advertiser 18 of fig.1 can specifically request end-user profile data from Billing Process 54 of fig.4 (col.14, lines 44-51-further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art).**

8.       Wherein the server or **Yellow Page Server 22 of fig.1** includes a plurality of categories or titles which identify advertisements from a particular **Publisher/Advertiser 18 of fig.1** (see abstract-col.11, lines 59-67).

9.       Wherein the server or **Yellow Page Server 22 of fig.1** generates a survey or query that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col.3, lines 38-47-col.17, lines 6-15- further, a survey to answer questions about an Ad. so that the effectiveness of the Ad. can be measured was disclosed on page 2 line 20 to page 3 line 8 as prior Art), wherein results of a plurality of surveys answered by a plurality of users assist in computing the effectiveness of the advertisement or in matching the user's variables (demographic or psychographic data) in a best-fit-pricing manner so that the Ad. delivered to the end-user client **PC 12 of fig.1** via **Metering Server 14 of fig.1** from **Yellow Page Server 22 of fig.1** matches the user's variables see abstract).

10.      Wherein the server receives questions generated by the advertiser for a user who, using **Interactive Process 76 of fig.5**, can directly view advertisements and answer queries from **Publisher/Advertiser 18 of fig.1** sent to the user via **Yellow Page Server 22 of fig.1** (col.17, lines 6-15).



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11. Wherein the server receives questions and selected demographic information **or consumer scale associated with the advertisement (consumer variables which include a particular demographic profile that must be met by the user's variables so that Publisher/Advertiser 18 can be charged the highest price based on this consumer best-fit-pricing manner- see abstract- col.5, lines 1-4-col.11 lines 59 to col.12 line 16)** generated by the advertiser.

12. Wherein the advertiser **or Publisher/Advertiser** may access research results **or survey responses from users stored in Yellow Page Server 22 of fig.1 for further marketing processing** (anticipated by Dedrick-further, the importance of on-line research was disclosed on page 2 line 31 to page 3 line 9 as prior Art).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-18 and 20-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldhaber et al., US Patent 5, 794, 210A.

As per claim 1, Goldhaber et al. disclose a system comprising the following limitations-

A code or a **Cybercoin 62 of fig. 4 or simply a filename** associated or attached with an advertisement received from an advertiser server (**Attention Broker Server 106 (1) of fig. 1**) subsequent to clicking on the **Cybercoin 62 to automatically retrieve or download the advertisement from an advertiser Web site having a specific URL over the Internet 102 of fig.1 (Col. 11: 8-24);**

A server capable of supplying an indicator identifying an instance wherein the advertisement is activated for viewing by the user **upon clicking on the Cybercoin 62 to automatically retrieve the advertisement for display on the user computer 104 of fig. 4 where the advertisement can be read or interacted with, and wherein the code or Cybercoin 62 initiates sending a signal to the server or advertiser web server having a URL or Attention Broker Server 106 (1) of fig. 1 indicative of activation of the advertisement by the interested user who was incentivized to read the said advertisement corresponding to the Cybercoin 62 representing a monetary value or coupon or credit value (See abstract; col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 10: 39-57);**

A computer or a **user computer 104 of fig. 1** on which the advertisement is activated for viewing by the user wherein the computer has a file within which the indicator is stored, the indicator providing information associated with the advertisement **viewed by the user upon clicking on the Cybercoin 62 associated with the advertisement (Col. 11: 8-24; col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 10: 39-57; figs. 4, 12 and 13- It is to be understood that data regarding the user's interaction with the advertisement can be stored either on the**

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**Attention Broker Server 106 or on the user computer 104 having a database 120 of fig. 7, wherein the interaction data can become part of the Interest Profile 124 of fig. 7, thereby preventing the user to view the same advertisement over and over while being compensated- col. 12: 14-44; col. 16: 42 to col. 17: 63).**

As per claims 2-12, Goldhaber et al. disclose a system comprising the following limitations-

2.      Wherein the information **or interaction data** includes **not only** time at which the user viewed the advertisement, **but also the user's account (Keeping track of the time at which an Ad. was viewed by an end-user is inherent in the current reference- Figs. 12-13; col. 5: 56 to col. 6: 2; col. 10: 39-57; col. 7: 56-61).**

3.      The system further comprising:

An advertising server **or Advertiser Web Server having a URL or Attention Broker Server 106 of fig. 1** capable of delivering the advertisement **68 of fig. 8** to the computer **104** of the user **via Internet 102.**

4. The system further comprising:

A plurality of advertising servers **or Attention Broker Servers 106(1)...106(N) of fig. 1** capable of delivering an advertisement to the computer **or user computer 104(1)...104(N)** of the user wherein each of the advertisements includes **a code or associated**

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**Cybercoin 62 or simply a filename** associated with the advertisement and further wherein the servers are capable of identifying, consumed, upon clicking by the user on a Cybercoin 62 to activate or retrieve the advertisement for display on the user computer 104 o fig. 4, an instance wherein the advertisement is activated for viewing by the user (See abstract; col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 10: 39-57).

5.       Wherein the server generates a survey or a guessing game, a quiz or a joke that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference).

6.       Wherein the survey is generated based on the advertisements to which the user has been exposed (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference).

7.       Wherein the survey obtains demographic information of the user if the user is willing to provide such information or if the advertiser is willing to offer some kind of incentive to the user for providing demographic or psychographic data to the advertiser (col. 6: 24-31; col. 6: 46 to col. 7: 7), thereby associating a reaction or response to an advertisement with a particular user whose name, address and e-mail address are known to the advertiser, who can subsequently contact the user (col. 7: 56-67).

8.      Wherein the server or **Attention Broker Servers or Information Servers 106(1)...106(N) of fig.1** includes a plurality of categories for classifying advertisers or advertisements wherein ads for Opera are stored in server 106(2) and ads for ski are stored in server 106(1) (fig. 10; col. 15: 47-67).
  
9.      Wherein the server generates a survey or **quiz** that may be accessed by the user to answer questions or fill out a questionnaire regarding an advertisement that he has viewed wherein results of a plurality of surveys answered by a plurality of users assist in computing the effectiveness of the advertisement (**This limitation is inherent in the current reference-col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference**).
  
10.     Wherein the server includes an interface for receiving questions generated by the advertiser for a user (**This limitation is inherent in the current reference-col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67; see claim 56 of the current reference**).
  
11.     Wherein the server includes an interface for receiving questions and selected demographic information generated by the advertiser (fig. 8; col. 14: 17-40).
  
12.     Wherein the advertiser may access research results or survey responses from users so that the advertiser can change, if need be, the content of the advertising message or directly contact the user as a follow-up (**This limitation is inherent in the current reference-col. 5:**

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**56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67; see claim 56 of the current reference).**

As per claims 13-17, 18 and 20, Goldhaber et al. disclose the following limitations:

13.

Providing the advertisement message **68 of fig. 8** through an on-line network **or Internet 102 of fig. 1** accessible by the computer **104 of fig. 1** of the user;

Attaching a code **or a Cybercoin 62 of fig. 4** or simply a filename to the advertisement for facilitating identifying an instance wherein the advertisement has been activated upon the computer **104 of fig. 1** for viewing by the user subsequent to clicking on the Cybercoin 62 to automatically retrieve or download the advertisement from an advertiser Web site having a specific URL or Attention Broker server **106 of fig. 1** over the Internet **102 of fig. 1** (Col. 11: 8-24) and initiating sending a signal to a server or Attention Broker server **106** or an advertiser web server wherein the signal indicates that the user has activated the Cybercoin 62 associated with the advertisement for displaying the said advertisement on the user computer **104** or the user has interacted with the advertisement (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67); and

Storing information in the computer or PC **104 of fig. 1** Hard disk of the user provided by the server wherein the information relates to activation of the advertisement (It is to be understood that data regarding the user's interaction with the advertisement can be stored either on the Attention Broker Server **106**, subsequent to the data being transmitted from

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**the user computer 104 to the Attention Broker Server 106, or on the user computer 104 having a database 120 of fig. 7, wherein the interaction data can become part of the Interest Profile 124 of fig. 7, thereby preventing the user to view the same advertisement over and over while being compensated more than once for viewing the same advertisement- col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13).**

Claims 14-15 contain limitations already addressed in claims 5-6 respectively and therefore, these limitations of claims 14-15 are rejected under a similar rationale as respectively applied to claims 5-6.

16. The method further comprising the step  
of:

Generating survey questions based on information received from the advertisers **for a user (This is inherent in the current reference- col. 5: 56 to col. 6: 2; col. 7: 56-67; col. 10: 41-57; col. 16: 42 to col. 17: 63; see claim 56 of the current reference).**

17. The method further comprising the step  
of:

Computing effectiveness of the advertisement based on survey results obtained from users exposed to the advertisement and from users not exposed to the advertisement to generate a survey or **quiz** that may be accessed by the user **to answer questions or fill out a questionnaire regarding an advertisement that he has viewed (It is to be understood that if a user clicks on Cybercoin 62 to simply claim an incentive and fails to read the associated**

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**advertisement, he/she will not be able to answer the survey questions correctly. Further, if a user was not exposed to the advertisement or fails to interact with the advertisement, it will be quite obvious to the advertiser and thus, the said user will not be compensated by the advertiser (col. 5: 56 to col. 6: 2; col. 7: 56-67; col. 10: 41-57; col. 16: 42 to col. 17: 63; see claim 56 of the current reference).**

Claims 18 and 20 substantially recite limitations already addressed in claims 13 and 2 respectively and therefore, these limitations of claims 18 and 20 are rejected under a similar rationale as respectively applied to claims 13 and 2.

As per claim 21, Goldhaber et al. teach a system comprising the following-

21.

**An administration computer or Financial Clearinghouse Server 108 and/or Attention Broker Server 106 of fig. 1 (fig. 10);**

**A user computer 104 of fig. 1;**

**An advertisement message 68 received from an advertiser via Attention Broker Server 106 of fig. 1 to be displayed on user computer 104 of fig. 1 subsequent to the user clicking on a Cybercoin 62 associated with the advertisement (fig. 4; col. 11: 8-24); and**

**A set of computer instructions executed on the user computer 104 of fig. 1 in association with activation of the advertisement message when the user clicks on the**



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**Cybercoin 62 of fig. 4 related to the advertisement message 68 (This limitation is inherent in the current reference- figs. 4 and 10: col. 11: 8-24), facilitating:**

**Generating a signal indicating that the user has interacted with the advertisement message, in association with activation of the advertisement message on the user computer 104 of fig. 4 when the user clicks on the Cybercoin 62 to read the advertisement message, to the administration computer or Attention Broker Server 106 (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67); and**

**Storing, in association with the signal, within memory or RAM or Hard disk drive on the user computer 104 a value received from the administration computer or Attention Broker Server 106 in response to the signal and indicative of activation of the advertisement message (It is to be understood that data regarding the user's interaction with the advertisement can be stored either on the Attention Broker Server 106, subsequent to the data being transmitted from the user computer 104 to the Attention Broker Server 106, or on the user computer 104 having a database 120 of fig. 7, wherein the interaction data can become part of the Interest Profile 124 of fig. 7, thereby preventing the user to view the same advertisement over and over while being compensated more than once for viewing the same advertisement- col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13).**

As per claims 22-33, Goldhaber et al. teach a system comprising the following limitations-

22. Wherein the administration computer or **Attention Broker Server 106 of fig. 1** includes executable computer instructions for:

Receiving by **the advertiser or Attention Broker Server 106** the signal from the user computer **104** when the user clicks on the **Cybercoin 62 of fig. 4** related to the advertisement message **68** (This limitation is inherent in the current reference- **figs. 4 and 10: col. 11: 8-24;** and

Transmitting from **the advertiser or Attention Broker Server 106**, in response to the receiving the signal, a message to the user computer **104** resulting in the user computer **104** performing the storing a value step **indicating that the user has interacted with the advertisement 104** (It is to be understood that data regarding the user's interaction with the advertisement can be stored either on the **Attention Broker Server 106**, subsequent to the data being transmitted from the user computer **104** to the **Attention Broker Server 106**, or on the user computer **104** having a database **120 of fig. 7**, wherein the interaction data can become part of the **Interest Profile 124 of fig. 7**, thereby preventing the user to view the same advertisement over and over while being compensated more than once for viewing the same advertisement- **col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13**).

23. The above system further comprising a cookie or a file storable on the user computer **104** **Hard disk drive** and wherein the cookie or file contains the value or data related to the user's interaction with the advertisement (**col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13**).

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24. Wherein the cookie **or file** comprises a time value corresponding to activation of the advertisement message on the user computer 104 (**Keeping track of the time at which an Ad. was viewed by an end-user is inherent in the current reference- Figs. 12-13; col. 5: 56 to col. 6: 2; col. 10: 39-57; col. 7: 56-61).**

25. Wherein the cookie **or file** comprises an identification **or an inherent code or tag** of the advertisement message (**col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13).**

26. Wherein the user computer 104 includes a record of advertisement messages activated on the user computer 104 (**col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference).**

27. Wherein the record further stores information corresponding to times at which advertisement messages, including embedded code for invoking the generating a signal, have been activated on the user computer (**Keeping track of the time at which an Ad. was viewed by an end-user is inherent in the current reference- Figs. 12-13; col. 5: 56 to col. 6: 2; col. 10: 39-57; col. 7: 56-61).**

28. The above system further comprising an advertisement server **or Attention Broker Server 106 of fig. 1** that transmits the advertisement message to the user computer 104 **when the user clicks on the Cybercoin 62 (Col. 11: 8-24; figs. 1 and 4).**

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29. Wherein the administration computer or **Attention Broker Server 106** includes executable instructions for providing survey questions to the user computer 104 (**This limitation is inherent in the current reference-col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference**).

30. Wherein at least one of the survey questions is based upon at least the value within memory or **RAM** of the user computer indicative of the activation of the advertisement message (**col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference**).

31. Wherein the survey questions include requests for demographic information of a respondent **if the user or respondent is willing to provide such information or if the advertiser is willing to offer some kind of incentive to the user for providing demographic or psychographic data to the advertiser (col. 6: 24-31; col. 6: 46 to col. 7: 7), thereby associating a reaction or response to an advertisement with a particular user whose name, address and e-mail address are known to the advertiser, who can subsequently contact the user (col. 7: 56-67).**

32. The above system further comprising analytical tools that analyze results from a plurality of survey results to render data indicative of activated advertisement effectiveness (**Limitation inherent in the current reference-Col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference**).

33. Wherein at least one question of the survey questions **or query** is supplied by an advertiser (**Limitation anticipated by Goldhaber et al.- Col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; see claim 56 of the current reference**).

As per claims 34-50, Goldhaber et al. teach a method comprising the following steps-

34.

Receiving, by a user computer **104 of fig. 1**, an advertisement **68** including an embedded code **or ID or filename or Cybercoin 62** (Anticipated by Goldhaber et al.- figs. 1 and 4; col. 11: 8-24);

Generating, by the user computer **104**, in accordance with the embedded code and in association with activation of the advertisement message on the user computer **104 of fig. 4** **when the user clicks on the Cybercoin 62 to read the advertisement message**, a signal for an administration computer or **Attention Broker Server 106**, indicating that the user has interacted with the advertisement (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67); and

Storing, in association with the signal, within memory **or RAM or Hard disk drive** on the user computer **104** a value received from the administration computer **or Attention Broker Server 106** in response to the signal and indicative of activation of the advertisement message (**It is to be understood that data regarding the user's interaction with the advertisement can be stored either on the Attention Broker Server 106, subsequent to the data being**

**transmitted from the user computer 104 to the Attention Broker Server 106, or on the user computer 104 having a database 120 of fig. 7, wherein the interaction data can become part of the Interest Profile 124 of fig. 7, thereby preventing the user to view the same advertisement over and over while being compensated more than once for viewing the same advertisement- col. 12: 14-44; col. 16: 42 to col. 17: 63; fig. 12-13).**

Claims 35-45 and 48 contain limitations already addressed in claims 22-32 and 33 respectively and therefore, these limitations of claims 35-45 and 48 are rejected under a similar rationale as respectively applied to claims 22-32 and 33.

46. The above method further comprising the step of:

comparing survey results of exposed and non-exposed users to render the data indicative of activated advertisement effectiveness for a particular advertisement **(It is anticipated in the art of advertising over a computer network that a user who was not exposed to an ad cannot effectively answer a quiz about the ad, especially if the user will be compensated for reading the ad- col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67).**

47. The above method further comprising the step of providing on-line access **via Internet 102 of fig. 1** to the data indicative of activated advertisement effectiveness, **stored on Attention Broker Server 106 or user computer 104 of fig. 1 connected over the Internet 102, to advertisers or to the Financial Clearinghouse 108 of fig. 4 or fig. 10 for rewarding the user**

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**upon determining using the interaction data or quiz result associated with the advertisement that the user has indeed read the advertisement (col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67).**

49. The above method further comprising the steps of:

Rendering advertisement effectiveness values based on survey results obtained from user exposed to the advertisement and from users not exposed to the advertisement **(It is anticipated in the art of advertising over a computer network that a user who was not exposed to an ad cannot effectively answer a quiz about the ad, especially if the user will be compensated for reading the ad- col. 5: 56 to col. 6: 2; col. 7: 56-61; col. 16: 42 to col. 17: 63; col. 10: 41-57; col. 7: 56-67).**

50. The above method further comprising the step of

Receiving, by an administration entity associated with the administration computer **or Attention Broker Server 106** questions and selected demographic information provided by an advertiser (fig. 8; col. 14: 17-40).

### **Conclusion**

Although the following references were not used in the Office Action, they were highly considered by the Examiner. Applicants are further directed to consult these references.

WO 97/22074 to Goldhaber discloses, among other things, a system for paying a customer for viewing an ad on the Internet wherein the customer is specifically targeted using profile information provided by the customer (see figs 12-13 and 16-19; page 36, third paragraph, to page 41, first paragraph).

WO 97/40514 to Shaw discloses, among other things, a system for transmitting advertisement to a user using a computer and wherein statistical data are collected so that the effectiveness of the system can be determined

US Patent 6, 009, 410 to Lemole et al discloses, among other things, a system for providing customized advertisement to a user via a computer network wherein a cookie file is placed on the user computer so that data regarding previously visited web sites can be collected and used in customizing a personal page for the user.

“New Service Rewards Users For Viewing Web Ads” from the Gale Group Newsletter DB discloses a system for compensating a user for viewing a web ad and wherein the user is asked to fill out a short quiz about the viewed ad and the response is subsequently forwarded to the advertiser of the ad who then rewards the user.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

**Please provide support, that is page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.**

JDJ

07/05/02

*Steve Gravini for ens*  
STEPHEN GRAVINI  
PRIMARY EXAMINER